

G. R. S. IX-5]

Previous references.

1896

File No. 13-96

Serial Nos

(G. 7)

Later references.

GENERAL AND REVENUE SECRETARIAT.

2-47

Serial Nos.

major Part B for August 97

SUBJECT.

Refund of the deposit money paid
by one Boranna on acct. of Collecting Duranga
Stones in Doda Bahapur Taluk.

[Signature]

Inclosed
H. S. [Signature]

SECRETARY'S OFFICE,

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Regarding the refund of Rs 229/6
one Borama deposited by him in
connection with the right of collecting
Kuranga stones in the Dodballapur
Taluk for 1895-96

LAST REFERENCE.

Letter No. ~~571~~ dated 27th November 1896.
from The Dy Commr, Bangalore District.

N^o. 103 d 6/8/95
Baker no. 1 of Dec
Ferist

This sh^d have been
done before the close
of the year preceding
that in which the
right to collect is
sold. otherwise
unsatisfactory results
will happen. Both
the Dy Commr & the Taluk
Officer are responsible
for not doing these
proclamations earlier.

No 96 d 5-9-95-

P. No (3)

On 6th August 1896, the
Amildar, Dodballapur Taluk
submitted an Istihar to the
Deputy Commissioner, Bangalore
District for publication in the
Gazette as usual, regarding
the sale of Kuranga stones in
the Dodballapur Taluk for
that is, from July 1895 to the
18-95-96. The date
fixed for the sale was 11th Sep
tember 1895.

2. The Deputy Commr,
forwarded to the Amildar
Copies of printed Istihars for

promulgation. Copies of these Istihars were sent -
to the Amildars of Lptribidure, Bangalore & Dewankulli Talukhs and to the Deputy Amildar of Kortigere Sub-Taluk for publication in their respective Talukhs.

3. On 11th September 1895 the sale was held in the Taluk Cutcherry in presence of Sheristadar Lobbrow, in Charge Amildar.

4. The right was purchased by one Boramma of the Bangalore C & M Station, for Rs 916. On the back of the sale pathi there is a remark made by the in Charge Amildar to the effect that the purchaser Boramma did not produce the deposit amount of Rs 229 till 8 Clock on the night of the date of sale viz 11th Sept 1895 & paid it at 10 A.M. on the following day. "But there is a copy of receipt dated 11th Sept 1895, granted to Boramma by the head Jumnastu Qum Lappe stating that

Dr. 6-9-95

Mr. S.W. Wright, who has read it is taken up the next preceding bid - I believe this was one of the conditions of sale - that men contributions must be laid down by a General order for all such miscellaneous sales - I am no much concerned in this, promulgation

It is immaterial whether the money was received late at night or on the day of the sale as long as the next morning was not held immediately after the sale

produced by Refr Boramma. The original has not been produced.

P to H

Rs 129 in Cash -
Rs 100 Currency Note No 3760

Petition D 11th Sept 1895.

P. 15

Petition D 12/9/95

P. NO (14)

the deposit amount
of Rs 229/- was received by
him after the Treasury was
Closed.

5. One Taridal Gurusiddappa
of Gori Bidware Taluk submitted
an application to the Dodda-
ballapur Taluk Amildar
stating that he wanted and
tried to be present at the time
of sale but missed the train
at Jondelbavi; that he was
now ready to bid Rs 50/- more
than the last bid & that if
his bid was accepted he was
ready to pay up the deposit
amount; if this could not
be done and if a 2nd sale
was ordered, he would then
come and raise the bid.

6. One Kudur Kalappa
whose bid was for Rs 915/- on the
11th September 1895 petitioned
the Amildar stating that as
Boransa did not pay the de-
posit amount on the date of
sale as required by the 5th para
of sale notification, a deposit
for

for his bid might be taken
from him & the sale confirmed
in his name or that a 2nd
sale might be held

The above facts were
reported to the 1st General Audit
Commissioner. The Assistant
Commissioner in observing
that the report in question was
submitted to him after a
months delay, directed the
Amildar that as Borama
failed to pay the deposit
amount at the time prescri-
bed in the sale notification
a 2nd sale might be held
giving due publicity of
the date of sale &c. to the
people in general including
Borama, Kalappa &c.

Accordingly the sale
was held on 9th December
1895. ~~the date fixed for the~~
~~2nd sale~~. On the sale
patti the following remarks
were made by the Taluk
Pherikadar who conducted
the sale

on this day the petitioner

no 130 of 18-9-95-

no 161 of 16-10-95-

How is this
afford. 9th there
Mr report is with 302
it is dated 18-9-95
my seven 200 after
the sale - the order
is 16-10-95 - the delay
is 16-10-95 - the delay
the date of receipt
is given as 12-10-95
who was this delay
who is responsible
for it - the court
ought to have found
it out & ordered
the conduct of the
guilty. Pl. - His
mission. Wdors.
is not ~~any~~ conclusion
both maintenance
of official punctuality
in such important
matters. All this
Wengurle into this
part & minute
report.

Kalappa and Borama the highest bidder in the 1st bid and others came at 5 Rhs but the other petitioner Gure — Siddappa did not appear.

Boramma stated that if any one were to bid more than his bid in the 13th Sale, he would then state whether he would bid for more or not.

Kalappa stated that he was not then prepared to bid as he had to go to the Civil Court at Bangalore where he had some work & so he would come and bid on the 11th to which effect he executed a tunchalika. The others who were present stated that they did not wish to bid. Thereupon the sale was adjourned to the 10th with the hope that Gurusiddappa the other petitioner would come. Gurusiddappa did not appear even on the 10th, so the sale was adjourned to the 11th thinking that Kalappa would come on that day. This fact

The workmen
of the sale in this
wage at least
~~about the~~ 2 weeks
- call the under-
with which the
she acted through
the property of this
trans action &
he was apparently
unequal to this
work with which
he was entrusted.
Now Am I right
to have undertaken
this without
due inquiry
his tendency
of superior officers
to delegate their
important
duties to

P.S.
 individuals ought to be contacted.

was made known to Boramma and others that were present there on the 11th. Neither Kalappa nor Boramma appeared till 3 P.M.

9. On this, the Amildar in bringing ^{recommending} notice the above fact ~~proposed~~ that as no one came forward to bid ~~for~~ more

no 200 D. 14-12-95-

than the bid of Boramma in the 1st Sale, and as the amount paid by him was already held in deposit, his bid in the 1st Sale might be considered as the highest bid and the Sale confirmed in his name for Rs 916.

10. Accordingly the 1st Assistant Commissioner Mr. Karasimayengar confirmed the Sale in Boramma's name for Rs 916.

no 259 D. 23-12-95-

11. Thereupon, Boramma was called upon by notice to pay up the whole of the purchase money (Rs 916) minus the deposit amount within 7 days after the service of this Notice.

no 133 D. 6-1-96

notice and to work out the farm; if he failed to do so, the deposit amount would be forfeited to Government.

Petitions dated
30th January & 4th
May 1896.

This was a very
reasonable request
& yet it was refused

12 Thereupon Borama ap-
pealed against the above order
~~on 30th~~ to the Deputy Commis-
sioner and requested that
after a careful perusal
of the records connected with
the case, as to the irregulari-
ties committed by the Taluk
authorities in the sale, he
might either be given 12 months
time from the time the
'Bob' was made over to him,
to work out the farm, or if this
could not be done, to refund
the deposit amount paid by him.

13. In reply Borama was
given an endorsement to
the effect that there was
ample time to work out the
farm, that as he failed to
do so, the deposit amount
could not be returned to him.

No 128 Q. 20th July
1896
There
is an endorsement
No 10 of March
this has not been
written by the previous
writer in the same
of this endorsement
as the case was with
the 8th of April
and is required

14 On receipt of the
above

above endorsement Borama
again submitted
applications to the Deputy
Commissioner for a revision
of the order, urging that he
was not the bidder in the
2nd sale; that when a 2nd
sale was ordered, the 1st sale
was virtually cancelled and
that there was no reason to
confirm the sale in his name
and to demand the purchase
^{money} from him & requested to order
the return of the deposit amount
to him.

Petitions d/ 3/9/96 & 5/9/96

15. On a perusal of the
records again, the Deputy
Comm^r ordered the Am-
dar to submit information
on the following points:

hoⁿ 258 dt 5-10-96

1. Whether the Kurenga stone
farm was worked in 1855-96.
2. Who worked it?
3. Whether the R^t Borama
ever took any stones in that
period?
4. Is the money still in deposit
⁹⁵
~~from~~ the amount of contract
^{included in}
~~brought into~~ the Jamabandi
of 1855-96.

16. In reply the Amildar
reported

ho 372 dt 23-10-96

reported that the deposit amount was still in deposit, that the Ranga farm was untouched either by Borama or by any body in 1895-96. & that the Contract amount was not ^{willed in} brought into the Jamabandi of 1895-96.

17. On this, the Dy Commr. passed his orders which are as follow:—

1. Petitioner applies for the revision of the order passed by myself on 20-7-96
2. The money is held in deposit & is not credited to foot.
3. The man has not worked the farm which was untouched. He has been all along protesting against the delay in confirming the sale.
4. I think therefore that the deposit should be returned to Petitioner. As however I have at first passed an order contrary to the above opinion, the matter should be sent up to Government for sanction.

18. The Dy Commr. now submits the whole correspondence & requests that sanction may be accorded to the refund of the deposit of Rs 229 to Borama.

P. J. O.

Met at all along protested against the order in foot the liability on him & it is surprising that the Dy Commr. he rejected the objection of the Petr. on 14-11-96 in May 1896 he did not consider in the sale proclamation which was to the effect that the workmen of the ~~state~~ were to be paid from the year 1896. It is not worthy that the vague demand was cont. till the Petr. actually represented his case to the Dy Commr. through a leader in the month of November by which time the year for Dy Commr. was 1896-97.

which was actually had had other it was on

owing to the lax
procedure adopted
by the Taluk
Sheristadar foot
has lost Rs 916

The sale was
not confirmed till
23 December 1895

On failure of
Boranna to pay
the deposit the
Taluk ought to have
been sold forthwith

~~Boranna~~ Kalappa;
whose bid was Rs. 915/
says in his petition
the Taluk of 12-9-95
that Boranna was
given time to procure
the deposit that the
Taluk Kalappa was
assured that if
Boranna did not
return with the deposit
Taluk's bid would be
accepted & deposit
taken from him &
that he was at the
Kacheri till it rose
out of the

must be that
the Taluk court
enquired whether
the Taluk had been
worked up the Taluk
& whether the Taluk
of revenue had been
the amount included in
for the year 1895-96 - It is
rather a matter for discussion
that Taluk's revenue
Taluk's presented without
the intervention of a
Taluk leader did not

Paper 7E (14)

March 1896
secure the Taluk
amount of revenue as the
consideration as the
presented by a Taluk leader
no mistake is also
satisfactory it is also
very unsatisfactory
feature in the case that
although the demand had been
smallly decided after
from the Taluk
containing the Taluk
Taluk did not
include the
amount

~~Journal~~
 in the ~~Journal~~ of the year - This is a very
 accounts of the ~~year~~ serious mission
 on the whole - heat & the BY ~~Source~~ must be
 having now - heat requested to compare
 coming to ~~the~~ want of into settlement
 method & ~~the~~ fully
 in the ~~BY~~ ~~Source~~
 more ~~the~~ ~~Source~~
 for come's attention
 want to directed
 to remove ~~the~~
 need the irregularities
 which in this case
 cannot be ~~the~~
 vol of 9.16.26

Ask the BY ~~Source~~ to
 obtain & submit
 the original for the
 refusal of Govt.
 Also enquire whether
 it is a genuine receipt
 & if so why the ~~BY~~
 reported that
 the deposit was
 paid on the ~~fall~~ ~~day~~
 day & not on the
 date of the sale
 itself - 4

On the other hand
 Boranua in his
 petition of 30.1.96
 alleges that he produced
 the deposit on the
 date of sale after
 it's close, & produces
 a copy of the receipt
 given by the ~~BY~~
 fa. (Vide paper
 marked A). If
 the original receipt
 be forthcoming it
 would show
 the deposit money
 was produced on
 the date of sale but
 after the treasury
 had been closed.

The resale appears
 to have been ordered
 on insufficient
 grounds

Submitted to Secretary
 for orders
 21/12/96

21-12-96
 Draft Subd.
 22/12
 P. J. O.

Office note Continued. —

NOTE

The foregoing order was communicated to the Deputy Commissioner, in this office No. 5794 dated 24th Decem-
ber 1896.

+ Paper No 30 in the
ver'file —

Dy Commr's letter No 951
dated 17/3/97.

In submitting the original receipt granted by Head Gunasta Gundappa to K. Borama, as called for in the above, the Deputy Commr. states that the receipt is a genuine one, but that he is not satisfied with the Sheristadar's explanation as to the payment of the deposit money.

and submits the Sheristadar's and the Head Gunasta's explanation for perusal.

Sheristadar's explanation

Ref. No. 27 in the ver'file

The right of collecting Kuranga stones in the Doddaballapur Taluk for 1895-96 was purchased by one Borama for Rs 916 on 11th Sept 1895. The purchaser who went with his ^(Sheristadar's) permission at 6 P.M.

Office note Continued. —

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Sheristadar's explanation

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Pap. No. 27 in the ver' file

Sale patti (which was left with
the Head Gumnasta) to the effect
that the deposit money was
not received till 8 P.M. on
the date of Sale but was re-
ceived at about 10 A.M.
on the following day; or he
could have stated before the
new Amildar P. Srinivas Rao
in whose time ^{the} order for the 2nd
Sale was received, the fact
of his having received the money
on the night of the date of Sale
and granted a receipt
therefor; ^{that} or Boranna could
have tried & very easily
stopped the 2nd Sale when
he received a notice regarding
the same, by producing the
receipt he had received from
the Head Gumnasta or he
could have petitioned the
Taluk Amildar ^{in the morning}, when he
came to the Taluk Chattri
on the 9th & 10th Decr. 1856
on account of the 2nd Sale;
~~he~~ ^{he} did not do this even;
but kept quiet till he received
demand notice from the
Taluk

Taluk for the purchase money & then began to petition mentioning the receipt he received from H^d Gunasta Gundappa; and finally adds that he could not believe that the receipt was written by him ^(Gundappa) & given to Boranna in the Kachere on the night of the Sale date viz 11th Sept^r 1895, as there is a good deal of difference in ink in which this receipt is written & the Sale patti which was also written by the H^d Gunasta till the evening of the 11th Sept^r 1895-

Date 24-2-97

H^d Gunasta Gundappa's explanation.

Paper No. 29 in the ver' file

I admit that the receipt ^{in question} was written by me & given to Boranna on the date on which the night of Collecting Kuranga Stones in the Dodballapur Taluk was sold in public auction. The

house; & when I informed
him about the money he told
me to give it to the Treasury
in the afternoon with the
Insal path. Accordingly
I got the Insal path signed
by the Sheristadar & gave
the money to the Treasury.

Till this time all the
papers relating to the Sale
were with me. Thereupon
as the Sheristadar asked
me to give him all these
papers as he wanted to
write to the higher authorities
for sanction, I gave them
to him. I do not know
what has transpired
subsequent to this.

Dated. 26-1-87

Submitted to secretary
for orders

9/4/97

10/4/97

Subd. 226

Under the circumstances
Karama was not bound
by this bid & is entitled to
the refund claimed.
The sale was closed.

certainly - the refund
must be sanctioned.
Sanctioned
29/4/97

at 6 PM. The prescribed
deposit was not produced
then & there - The Insulted
should have proceeded
to resell the right at
once. Instead of doing
so he waited till 8 PM
and then went home
leaving certain untrue
news with the Head
Gymasta. The latter
says he received the
report after 8 PM &
granted a receipt to
Morama. He further
states he reported
the matter to the Hon.
the next morning. The
Hon. denies this allegation.
The pro-alibis seek
to show that the Head
Gymasta did not
report to the Hon. that
the deposit had been
made on the night of
the date stated. If he
had so reported, the
Hon. would not
have made a clear
& false statement in
his report to the Hon.
However that
may be, it is clear
that both the Hon. &
the Head Gymasta

I think so also -
The Hon. Gymasta
ought not to have
received the deposit
when he left -
I quite agree
with the Hon.
in this view

are at fault, & that
the result has been a
clear loss of Rs 916 to
Govt

2268m
14/4/97

13/4/97

Orders about
Sht. & Ho. Somasti
will be made
with in 22 receipt
of further report
collected from
the sub comm
unit
27/4/97

Draft as within
of account of
29/4/97

SS
29/4/97

Draft order
22
6/5/97 7/5/97

S

Office Note in continuation
of the above.

1. Orders were issued as per
directions recorded by the
2^d Councillor, and the
Dy Commr was requested
to enquire and report
how the delay of nearly
one month in the receipt,
by the Asst. Commr
of

Please See Govt Pro.
No. 9985-93-810-5-97.
Fl. 904

+ Para 7 of the same

at 6 PM. The prescribed
deposit was not produced
then & there - The Skunk
should have proceeded
to resell the right at
once. Instead of doing
so he waited till 8 PM
and then went home
leaving certain untrue
news with the Head
Guasita. The latter
says he received the
deport after 8 PM &
granted a receipt to
Morama. He further
states he reported
the matter to the Sra.
the next morning. The
Sra denies this allegation.
The probabilities seem
to show that the Head
Guasita did not
report to the Sra that
the deposit had been
paid on the night of
the sale itself. If he
had so reported, the
Sra would not
have made a clear
& false statement in
his report to the Sra
later. However that
may be, it is clear
that both the Sra &
the Head Guasita

I think so also -
The H's Guasita
ought not have
received the deposit
when he left -
I quite agree
with the Sra
in this view

of the Sheristadars report
of the 18th Sept^r 1895, occurred
and who was responsible
for it

2. In reply, the Dy Commr.
Submits the explanation
of the Sheristadar which
is as follows: —

He instructed the Head
Gumasta to make a report
to the Asst. Commr., and
did not attend office for
3 or 4 days afterwards
as he was ailing with sore
eyes. When he next went
to office, he learnt that
the report had not been
Submitted, and by that
time, the Dasara holidays
had commenced. The report
was not Submitted, as it
was thought that the Head
office would not be open
during the holidays —

3. The Sale took place on the
11th Sept^r 1895 & the report
is dated 18th Sept^r 1895.

Perhaps, the Sheristadar
was ill from the 15th to 18th

The Dasara holidays
 commenced on the 19th
 Sept^r and expired on the
 4th October 1895. The date
 of the receipt of the report
 by the Asst Commr is
 10th Oct^r 1895

4. The Head Gymasta is
 reported to have since
 been retired from service -
 Submitted ^{to Secretary} for orders.

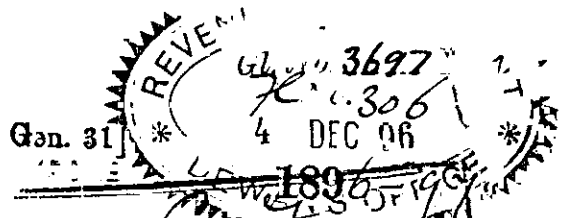
28/7/97 29/7/97

Subd Br 27/97

R37 Pm. 30-7-97
 30.7.97.

~~mis was he
 recorded with
 myopseya not
 met it is reported
 that the~~

~~mailed~~ 2/8/97
 9/8/97



Section _____

From _____

The Dy Commissioner
Bangalore District.

To The Secretary to the Govt. of
Mysore.

Genl & Rev. Departments
Bangalore.

Dated 27th November 1896

Despatched 3rd December 1896.

Received _____

General No. _____

No. 571.

Enclosure No. 1 file

Requesting sanction to the Refund
of Rs 229/- to one Boranna deposited
by him in connection with the right
of collecting Kuranga stones in the
Doddballapur Taluk for 1895-96.

Rev 3/12/96

1896
11 3/4

Rd 7.12.96.

D. No. 571.
Sub. file.

Deputy Commissioner's Office
Bangalore District
27th November 1896.
3rd December/96

To

The Secretary to the Government
of Mysore
Revenue and General Departments
Bangalore

Sir,

I have the honor to state that the right of collecting Kuranga stones in the Doddaballapur Taluk for 1895-96 was sold in a public sale and Boranna's bid on 11th September 1895 for Rs. 916 was the highest.

2. The Amildar reported that the purchaser did not produce the deposit of Rs. 229 required by para 5 of the sale notice on the same date but on the next day, and that there were several bids received after the close of the sale, for higher amounts which were however not defined. The 1st. General Assistant Commissioner, in charge of the taluk directed that a second sale should be held on 9th December 1895.

3. But ~~there were~~ no higher bids came forward

forward on the 9th December and the
1st General Assistant Commissioner
confirmed the 1st sale to Boranna for
Rs 916, and intimated the same to the
Amildar by order no. 259 of 23rd December
1895. Boranna was thereupon called on
by the Amildar by notice no. 133 dated
6th January 1896 to pay up the balance
required to make up Rs 916 and work out
the farm.

4. He then appealed to the Deputy
Commissioner against this order on the
ground that there was not sufficient
time to collect the Kuranga stones in the
remaining 3 months of the year and requested
that he should be given 12 months' time
from the date of confirmation of the sale
or the amount deposited by him returned
to him (vide petitions no. 110 of 30th January
1896 and 128 of 4th May 1896)

5. Boranna's demand appeared to me
to be tantamount to securing the farm
for another year for nothing, I declined
to interfere in the matter and issued

an endorsement no 120 of 20th July 1896 accordingly.

6. Boranna again moved (vide petitions nos 52 and 54 of the 3rd and 5th September last respectively) for a revision of the above order. The Amildar states, in report no 372 of the 23rd ultimo, that the money is still in deposit, and that the Kurunga farm was untouched by Boranna or any other person in 1895-96. It was also urged that when the 2nd sale was ordered by the Division officer, the first sale was virtually cancelled and that the Petitioner did not apply for the farm again. The Assistant Commissioner confirmed it to Boranna Suo motu, and therefore the latter was not bound to accept the results.

7. On 2nd thoughts, I think there is much force in this contention. Ordinarily such amounts in deposit are returned by the Deputy Commissioner, but I had at first passed a contrary order and I am not sure that it is competent to me to cancel it on further light being thrown on the case.

8. I have the honor therefore to forward
the file in order that sanction may be ac-
corded to the refund of the deposit, viz
Rs 229 to Boranna.

I have the honor to be

Sir

Your most obedient servant;

W. Narasimmaiah
Deputy Commissioner.
P.M.

Draft as per order

To.

No. 13-46

Serial No. 2

The Deputy Commr.
Bangalore District

Dated 24-12-96

No. 5794 E. IV. file
R. 1979

Dy Commr's letter No 571
dated 27th November 1896
requesting sanction to re-
-fund to Borama, the deposit
money of Rs. 229 paid by him
on account of the right of
collecting Kuranga Stones
in the Doddaballapur Taluk
for 1895-96 purchased by
him for Rs. 916.

for reference & resubmission
In returning the vernac-
-ular papers received with
the above, has the honor
to draw the attention of the
Dy Commr to paper

marked

marked A which is a copy
of the receipt granted to
Boranna by the Taluk
Head Qumasta ~~and copying~~
~~the document made by the~~
~~person~~ for the deposit
money paid by him ^{on the date of the Sale,} after
the closing of the Treasury,
and to request that the
original of the said receipt
may be obtained & submitted
for the perusal of Govt. with
a report as to whether the
receipt is a genuine one, &
if so, why the Sheristadar
reported that the deposit
was paid on the following
day and not on the date
of the Sale itself (vide Paper
no. 13 in the ver. file).

"By Order"

Secy. Adm.

24/12

23/12/96
24/12/96
Secretary

1886.7 R. 6295
4493

From

~~The Dy. Commissioner~~
Section ~~3-9~~
Bangalore

To

3
The Chief Secretary to the Dewan
Govt. of Mysore

Dated 17th Rev: Genl. Depts.

Despatched 20th } Mar/97 Bangalore.
Received

Enclosures No. 1 file

General No. } 1886.7
S No. 951.

Secy's No. 5794 dt. 24th December
1896 R. 1979

Forwards the original
receipt granted to Baraman
by the Head Gunasta of Dod-
ballapur for the money de-
posited on account of the
right of collecting Kuranga
stones in the Taluk and to
state that the receipt is genuine.

Rev 23/3/91

Wth
26.2.91

Ref: Subup
27/3

Sub: With Memo
in contn.

AD
9/4/91

Submitted

R.F. 175 of 9th on the
subject was submitted
2nd Cancellor on 1.12.96
in connection with the
Hassan Sy (ours No. 52)
of 12.10.96 requesting fine
orders for the sale of his
s. is for 1896.97.

Mr. P. I. d. of
Gautam []

8/12/96

Submitted with draft

83
10/12/96

M.V.

There has been a great
loss to Govt owing to
irregularities in conduct
in the sale. This case
requires a Press. Prepare
one noting date of sale
Notice to public sale.
Let - - - - -
21/10/12/96

Dragster, 12/1/22
No. 73-76

Read: — Serial No. — 11

Correspondence ending with letter No 951 dated 17th March 1897 from the Dy. Commr., Bangalore District, regarding the refund of the deposit money of Rs. 229 paid by one Boramma on account of the right of collecting Kuranga Stones in the Doddballapur Taluk for 1895-96.

No. 9985-93 & 10/5/97
H. 904 12
Am. 1 file of V.P.

Order thereon: —

The Sale referred to was held on the 11th Sept^r 1895 and Boramma's bid ~~for~~ Rs 916, was the highest. He did not pay immediately after the Sale. the prescribed deposit of $\frac{1}{4}$ th of the purchase money, and the Taluk Sheristadar, who was then in charge of the Taluk and who conducted the Sale, allowed him time till 8 PM that day to pay the said amount. Boramma ~~he~~ did not, however, bring the money ^{within} at the appointed time, &

the Sheristadar therefore made
a remark to that effect in the
Sale list and went home. But
there is a receipt granted by the
Head Gumasta to shew that
the money was paid by Boranna
on the date of the Sale ^{itself} but after
the close of the Treasury. The
Hd. Gumasta explains that as
previously authorized by the
Sheristadar, he received the money
brought by Boranna at about
8.30 P.M. and gave him a receipt
therefor, and informed ^{him} the Sheristadar of this
at 10 A.M. on the following day
viz 12th Sept. 1895. The Sheristadar
denies ~~this~~ ^{statement} having been informed

^{accuses} I
might and states that the Hd. Gumasta
told him that the money was re-
ceived on the 12th morning. ~~Go~~

The Sheristadar
made a remark to the ^{above} effect
in the Sale list, and ^{also} ~~therefore~~ sub-
mitted a report to the B. Genl.
Asst. Commr. on the 13th Sept. 1895,
with two Petitions received from
Kalappa and Gurusiddappa, one
praying for the cancellation of the

Statement-
This ~~has not~~ seems
above to probably
as judged by the
Seri Suleyjan
conduct, and
is denied by the
Seri who

sale owing to the failure of Boranna
to pay the deposit money at the
prescribed time, and the other
offering Rs. 50 more than Boranna's
bid (Rs. 916). On observing that
the ~~Amildar's~~ ^{above} report was re-
-ceived ^{on the 12th Oct 1895, i.e.} after a month's delay,
the Asst. Commr. issued an order
on the 16th Oct 1895 directing a
resale of the right ^{the ground, that} on ~~account of~~
Boranna ~~having~~ failed to pay
the deposit money in time. The
resale was accordingly held on
the 9th December 1895, but one
of the Petitioners Kalappa asked
for the adjournment of the sale to
11th Decr & the other Pet: Gurusiddappa
was absent, while Boranna
gave an indefinite reply. He ^{sale} was
therefore adjourned to the 10th, and
Guru Siddappa not being present
even on that day, it was again
adjourned to the 11th ^{into the expectation that Kalappa had things up.} On the ~~last~~
^{last mentioned} date there were no bidders, although
this ^{disappointment} adjournment ~~had been made~~
~~known to those present on the 10th~~

Consequently, on the 14th Decr. 1895,
the Amildar recommended the
acceptance of the highest bid (Rs. 916)
of Boranna at the first sale & the

Confirmation of the Sale in his ~~name~~ favor.
The Sale was accordingly confirmed
by the Asst Commr on the 23^d Decr 1895.

2. A notice of 6-1-96 was sent to
Boramma ~~informing him of the~~ ^{communicating}
above order and ~~advising~~ ^{informing} him ~~to~~ that he should
pay up the balance of purchase
money within 7 days from the
date of receipt of the notice &
work the farm, ^{& that} otherwise the de-
posit money would be forfeited
to Govt. Thereupon, ie on 30-1-96
Boramma preferred an appeal
to the Dy Commr requesting that
he might be allowed 12 months
time to work the farm from
the date of its being made over
to him, or the deposit amount might be
returned to him. In reply, the
Dy Commr informed him by
an endorsement of 3rd March 1896
that there were no grounds ^{for an} ~~to interfere~~
after ^{with} the Asst. Commr's order.

Again on the 4th May 1896 Boramma
petitioned the Dy Commr to the
effect that he could not work ~~on~~
the farm as he had only 2 months
before him. He was again in-
formed by an endorsement of
20th July 1896 that if he had only

Complied with the notice of 1st Jan: 96,
he would have had ample time
to work the farm & that the fault
being his own, the deposit amount
could not be repaid. Thereupon
ie on 3rd Sept: 1896, Boranna ~~presented~~
~~to the Dy Commr the objection ap-~~
-plied to the Dy Commr thro' an
Associate for a reconsideration
of his order.

3. With reference to ~~this~~ ^{section},
the Dy Commr States that there
is some force in the contention
of Boranna that the 2nd Sale
- virtually Canceled the first one,
but that the Asstt Commr ^{having} con-
-firmed the farm to Boranna
suo motu, ~~that~~ the latter was,
not ~~therefore~~ bound to abide by
the ~~results~~ ^{it}, ~~and~~ ^{he} recommends
that as Boranna did not at all
work the farm, the deposit
~~money~~ of Rs. 229 be refunded to him.

4. Considering the circum-
-stances of the case, Govt ob-
-serve that Boranna was not
bound by his bid & is entitled
to the refund claimed, which
is sanctioned with the following
remarks.

5. ~~The~~ The sale of the right for
1895-96 ~~had~~ ^{ought to have} taken place before

the close of the

year preceding that to which it relates.

In the absence of such ordinary precautions, unsatisfactory results are sure to happen.

Both the Distt. ^{in the present case} and Taluk officers are responsible for not issuing the Sale proclamation in time.

6. As regards the receipt of the deposit money, Govt observe that it is immaterial whether ~~the money~~ ^{it} was received late at night on the ~~last~~ day of the Sale or on the next morning, ~~and as~~ ^{since} ~~anyhow~~ it was not paid immediately after the Sale ~~and~~ the Sheristadar ought to have resold the right according to one of the conditions mentioned in the Sale notice,

7. As regards the delay noticed by the Dy Commr in the receipt of the ~~Distt Commr's~~ ^{Sheristadar's} report of the 18th Sept 1895, it should have been explained how ~~the delay~~ ^{it} occurred & who is responsible for it. The Dy Commr ought to have ~~found it out and noticed~~ ^{ascertained the cause of the delay & to then suitable} the conduct of the ~~guilty~~ official or ~~franchise~~. His omission to do so is not conducive

to the maintenance of official
punctuality in such important
matters. The Dy Commr will
now enquire into this point
and submit a report for ~~the~~ ^{the}
~~further~~ of Government.

8. The postponement of the
sale in the vague expectation
of bidders was quite ^{unwarranted} ~~un~~ called
for and indicates the indecision
with which the Shrivastava
acted throughout the ~~process~~
~~of the~~ whole transaction and
he was apparently unequal
to the work he was entrusted
with. Anildas Spinnorasa
Das ought to have undertaken
this important duty himself.
The tendency of Superior officers
delegating their important
duties to their subordinate
officials ought to be checked
and corrected.

9. The request made by Borama
to allow him 12 months' time
to work the farm, or to have the
^{deposit} money returned to him, was
reasonable and yet it was refused.
He all along protested against
the order imposing the liability

on him and yet it is surprising
that the Dy Commr, while
rejecting the objection of the
Petr once in March and again
in ~~May~~^{July} 1896, did not consider
the 3^d Condition in the Sale
proclamation. viz that the
~~working~~^{collection} of the Stone was to con-
-tinue from 1st July to the end
of June, ^{i.e. for the whole} of the official year.

It is noteworthy that the vague
demand for the balance of the
purchase money was continued
till the Petr actually repre-
-sented his case to the Dy Commr
through ^{an advocate} ~~an advocate~~ in the
month of September by which
time, the year ^{in question} ~~for which he had~~
~~unsuccessfully~~ bid, had expired

It was with reference to this
last Petr that the Dy Commr
enquired whether the farm
was worked by the Petr &
whether this item of revenue
had been included in the
annual demand account

of the Taluk for 1895-96. ~~It thus shows~~
Gans-observe

that ^{the} Revenue Petitions presented
by Borama himself
~~without the intervention of~~
~~a Pleader~~, did not secure the
same amount of enquiry and
consideration ~~as the~~ ^{as}
~~the petition presented by him~~
~~as the one presented~~
^{that an advocate}
~~by a pleader~~.

10. It is also a very unsatis-
factory feature in the case
that although the demand
had been finally decided
against Borama twice by
the Dy Commr, the Taluk
officials did not include
the amount ^{present} in the jamabandi
accounts of the year 1895-96. On
the whole, the correspondence
shows a great laxity and
want of method and attention
in the disposal of ^{such} ~~these~~ im-
portant matters, and the
Dy Commr should ^{therefore} direct his
attention to ^{the} removal of irregu-
-larities ^{of the kind} which, in the present
case, caused to Govt a loss of
Rs. 916.

To the Dy Commr. Bangalore
returning the rev. papers. ^{Print}
" Compt. Alipore Govt
" Dy. Commrs. of other Dts. for
information

23
6/5/97

7/5/97

Secretary

1075797

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 10th May 1897

No. 9985-93
FI 904

Sanctioning, with certain observations,
the refund of the deposit money of Rs. 229
paid by one Boranna on account of the
right of collecting Kuranga stones in the
Dodballaṟ taluk for 1895-96.

Proceedings of the Government of Mysore,

READ:—

Correspondence ending with letter No. 951, dated 17th March 1897, from the Deputy Commissioner, Bangalore district, regarding the refund of the deposit money of Rs. 229 paid by one Boranna on account of the right of collecting *Kuanga* stones in the Dodballapur taluk for 1895-96.

No. 9985-93—Fl. 904, DATED, BANGALORE, 10TH MAY 1897.

ORDER THEREON.—The sale referred to was held on the 11th September 1895, and Boranna's bid for Rs. 916 was the highest. He did not pay immediately after the sale the prescribed deposit of $\frac{1}{4}$ th of the purchase money, and the Taluk Sheristedar, who was then in charge of the taluk and who conducted the sale, allowed him time till 8 P. M. that day, to pay the said amount. Boranna did not, however, bring the money within the appointed time, and the Sheristedar therefore made a remark to that effect in the sale list, and went home. But there is a receipt granted by the Head Gumasta to show that the money was paid by Boranna on the date of the sale itself, but after the close of the Treasury. The Head Gumasta explains that, as previously authorized by the Sheristedar, he received the money brought by Boranna at about 8-30 P. M., and gave him a receipt therefor, and informed the Sheristedar of this at 10 A. M., on the following day, *viz.*, 12th September 1895. This statement seems opposed to probability as judged by the Sheristedar's subsequent conduct, and is denied by the Sheristedar who alleges that the Head Gumasta told him that the money was received on the 12th morning. The Sheristedar made a remark to the above effect in the sale list, and also submitted a report to the First General Assistant, Commissioner on the 18th September 1895, with two petitions received from Kalappa and Gurusidappa, one praying for the cancellation of the sale owing to the failure of Boranna to pay the deposit money at the prescribed time, and the other offering Rs. 50 more than Boranna's bid (Rs. 916). In observing that the above report was received on the 12th October 1895, *i. e.*, after a month's delay, the Assistant Commissioner issued an order on the 10th October 1895 directing a re-sale of the right on the ground that Boranna failed to pay the deposit money in time. The re-sale was accordingly held on the 9th December 1895, but one of the petitioners, Kalappa, asked for the adjournment of the sale to 11th December and the other petitioner Gurusidappa was absent, while Boranna gave an indefinite reply. The sale was therefore adjourned to the 10th and Gurusidappa not being present even on that day, it was again adjourned to the 11th in expectation of Kalappa turning up. On the date last mentioned there were no bidders; consequently, on the 11th December 1895, the Amildar recommended the acceptance of the highest bid (Rs. 916) of Boranna at the first sale and the confirmation of the sale in his favor. The sale was accordingly confirmed by the Assistant Commissioner on the 23rd December 1895.

2. A notice, dated 6th January 1896, was sent to Boranna communicating the above order and informing him that he should pay up the balance of purchase money within seven days from the date of receipt of the notice, and work the farm, and that otherwise the deposit money would be forfeited to Government. Thereupon, *i. e.*, on 30th January 1896, Boranna preferred an appeal to the Deputy Commissioner requesting that he might be allowed 12 months' time to work the farm from the date of its being made over to him, or that the deposit amount might be returned to him. In reply, the Deputy Commissioner informed him by an endorsement, dated 31st March 1896, that there were no grounds for any interference with the Assistant Commissioner's order. Again on the 4th May 1896, Boranna petitioned the Deputy Commissioner to the effect that he could not work the farm as he had only two months before him. He was again informed by an endorsement, dated 20th July 1896, that if he had only complied with the notice of 1st January 1896, he would have had ample time to work the farm and that the fault being his own, the deposit amount could not be repaid. Thereupon, *i. e.*, on 3rd September 1896, Boranna applied to the Deputy Commissioner through an Advocate for a re-consideration of his order.

3. With reference to this petition, the Deputy Commissioner states that there is some force in the contention of Boranna that the 2nd sale virtually cancelled the first one, and that the Assistant Commissioner having confirmed the farm to Boranna *suo motu*, the latter was not bound to abide by it. He accordingly

Revenue, dated 10th May 1897.

recommends that as Boranna did not at all work the farm, the deposit of Rs. 229 be refunded to him.

4. Considering the circumstances of the case, Government observe that Boranna was not bound by his bid and is entitled to the refund claimed, which is sanctioned with the following remarks.

5. The sale of the right for 1895-96 ought to have taken place before the close of the year preceding that to which it relates. In the absence of such ordinary precautions unsatisfactory results are sure to happen. Both the District and Taluk Officers are in the present case responsible for not issuing the sale proclamation in time.

6. As regards the receipt of the deposit money, Government observe that it is immaterial whether it was received late at night on the day of the sale or on the next morning. Since it was not paid immediately after the sale, the Sheristedar ought to have re-sold the right according to one of the conditions mentioned in the sale notice.

7. As regards the delay noticed by the Assistant Commissioner in the receipt of the Sheristedar's report of the 18th September 1895, it should have been explained how it occurred and who is responsible for it. The Deputy Commissioner ought to have ascertained the cause of this delay and taken suitable notice of the conduct of the official at fault. His omission to do so is not conducive to the maintenance of official punctuality in such important matters. The Deputy Commissioner will now enquire into this point and submit a report for the further orders of Government.

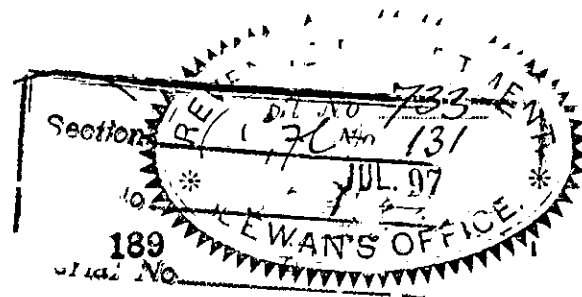
8. The postponement of the sale in the vague expectation of bidders turning up was quite uncalled for and indicates the indecision with which the Sheristedar acted throughout the whole transaction, and he was apparently unequal to the work he was entrusted with. Amildar Srinivasa Rao ought to have undertaken this important duty himself. The tendency of superior officers to delegate their important duties to their subordinate officials ought to be checked and corrected.

9. The request made by Boranna to allow him 12 months' time to work the farm, or to have the deposit money returned to him, was reasonable, and yet it was refused. He all along protested against the order imposing the liability on him and yet it is surprising that the Deputy Commissioner, while rejecting the objection of the petitioner once in March and again in July 1896, did not consider the 3rd condition in the sale proclamation, *viz.*, that the collection of the stone was to continue from 1st July to the end of June, *i.e.*, for the whole official year. It is noteworthy that the vague demand for the balance of the purchase money was continued till the petitioner actually represented his case to the Deputy Commissioner through an Advocate in the month of September, by which time the year in question had expired. It was with reference to this last petition that the Deputy Commissioner enquired whether the farm was worked by the petitioner, and whether this item of revenue had been included in the annual demand account of the taluk for 1895-96. Government observe that the petitions presented by Boranna himself did not secure the same amount of enquiry and consideration as the petition filed by him through an Advocate.

10. It is also a very unsatisfactory feature in the case that although the demand had been finally decided against Boranna twice by the Deputy Commissioner, the taluk officials did not include the amount thereof in the jamabandi accounts of the year 1895-96. On the whole, the correspondence shows great laxity and want of method and attention in the disposal of such important matters, and the Deputy Commissioner should, therefore, direct his attention to the removal of irregularities of the kind, which, in the present case, caused to Government a loss of Rs. 916.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, returning the vernacular papers.
The Comptroller, Mysore Government.
The Deputy Commissioners of other districts for information.



From

The Deputy Commissioner
Bangalore District

To The Secretary
to the Government of Mysore
General and Revenue Department,
Bangalore.

Dated 19th July 1897.

Despatched 22

Received

General No.

No. 112

Enclosure No. 1 and 1 file

Government Pro.

Order No. 9985-93
dated 10th May 1897.

Submits report as regards
the delay noticed by the Deputy
Commissioner in the receipt of the
Theristadar's report of the 18th
September 1895 re deposit
money paid by one Boranna
on account of the right of
collecting Kuranga stones in
Dodballapur Taluk for 1895-96.

Let m

28/7/97

Secy
28/7/97

S. C. M. S. S. S. S.

Attended to.

28/7/97

D. N. ^o 112
(cu: 1 & 1 file)

Deputy Commissioners Office,
Bangalore, 19th July 1897.

From,

The Deputy Commissioner,
Bangalore District.

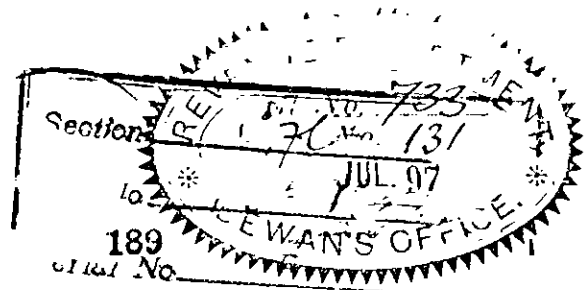
To

The Secretary
to the Government of Mysore,
General and Revenue Departments
Bangalore

Sir,

With reference to para 7 of Government
Order N. ^o 9985-93 dated 10th May last,
Hl. 904
I have the honor to state that Sheristadar
Subba Row directed the Head Gurnasta
to submit a report to the Division Officer
about the non-receipt of the deposit in
time but immediately after this the
Sheristadar fell ill. This and the in-
-tervention of Dassara Holidays pre-
-vented him from sending the report
earlier.

2. The 1st General Assistant



From

The Deputy Commissioner
Bangalore District

To

To The Secretary
to the Government of Mysore
General and Revenue Department
Bangalore.

Dated

Dated 19th July 1897.
Despatched 22

Despatched

Received

General No.

No. 112

Enclosure No. 1 and 1 file

Government Pro:

ending N^o 9985-93
dated 10th May 1897. Fl 904

Submits report as regards
the delay noticed by the Deputy
Commissioner in the receipt of the
Theristadani's report of the 18th
September 1895 re deposit
money paid by one Boranna
on account of the right of
collecting Kurunga stones in
Dodballapur Taluk for 1895-96.

Commissioners report N^o. 30 and the
Sheristadars explanation with the
records bearing on the subject are
herewith submitted

I have the honor to be
Sir,

Your most obedient servant;

R. D. D. B.

Sub Division Officer in District
charge

for Dy. Commissioner

M

Draft as per order.
Read: - 98

Letter No ¹¹² 112-97/19th

July 1897, from the
Deputy Comm^r Bangalore
District, submitting
in reply to para 7 of
Govt^r Pro No 9985-93

of 10th May 1897, the
explanation of the
-ristadar Subba Rao
now in the Hoskote Taluk
in the matter of the
delay noticed by the
Asst^t Comm^r in the
^{submission} receipt of the she-
-ristadar's report
of the 18th September
regarding the renewal
of the sale of the
right of collecting
Kuranga stones in
the Doshallapur Taluk

To
No 1841 of 17-8 97
R 164
in H. file

The Deputy Comm^r for 1895-96

Bangalore Dt Order them
returning the papers

Recorded. S. K. 10/9/97
9/8/97 Secretary.

Draft a, per order.

Read:

Read: _____
 Letter No. 112-719 ⁹⁸ ₁₉ th

July 1897, from the
Deputy Comm^r Bangalore
District submitting
in reply to para 7 of
Govt^t Pro No 9985-93

Of 10th May 1897, the
 explanation of the
 -nistadar Subba Rao
 now in the Hoskote Taluk
 in the matter of the
 delay noticed by the
 Asst Comm^r in the
^{submission}
 receipt of the the
 nistadar's report
 of the 18th September
 regarding the removal
 of the sale of the
 right of collecting
 Kuranga stones in
 the Dohallapur Taluk

To $\frac{1841}{2164} = \frac{17}{17} \cdot 8 \cdot 9$
in 1416

The Deputy Comm^r for 1895-96

Bangalore Dr Order them
returning the papers
82 Recorded.

Recorded. Sec. H. 1/1/97
82 9/8/97 Secretary.